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SUBJECT: Documents Discussed and Viewable at Public Meetings Become Public Records

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 23.6 and rule 497—1.2(2), the Iowa Public Information Board issues this opinion on documents discussed and made viewable at public meetings becoming public records. We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

QUESTION:

Does discussing and making viewable a document at a public meeting make the document a public record?

OPINION:

The issue was recently raised concerning whether discussing and making viewable a document at a public meeting made the document a public record. We are of the opinion that a document that is discussed and made viewable to the public at a public meeting makes the document a "public record" that shall not be treated as confidential under Iowa Code section 22.7. We note there are times when a confidential record is discussed or referenced at a public meeting. We do not deem such situations as removing the confidential nature of the record. Rather, this opinion applies solely to situations when the document is also made viewable or accessible to the public at the meeting.

BY DIRECTION AND VOTE OF THE BOARD

Suzan Stewart, Chair
Kathleen Richardson, Vice Chair
Robert Andeweg
Anthony Gaughan
Jo Martin
Andrew McKean
Gary Mohr
William Monroe
Peggy Weitzl

Submitted by: W. Charles Smithson, IPIB Director

Board Members

Robert Andeweg • Anthony Gaughan • Jo Martin • Andrew McKean • Gary Mohr • William Monroe
Kathleen Richardson • Suzan Stewart • Peggy Weitzl